

2. An absorbent article, said absorbent article having a body surface and a garment surface and comprising:

a liquid permeable topsheet, said topsheet providing a barrier which inhibits rewet, wherein said topsheet has a compressibility of less than about 488 g/cubic cm;

a liquid impermeable backsheet disposed beneath said topsheet and joined thereto at least about a periphery of said absorbent article; and

an absorbent core disposed between said topsheet and said backsheet;

wherein said topsheet and said core cooperate to provide said absorbent article with a drop acquisition time of less than about 30 seconds and a wetback of less than 30 milligrams.

3. An absorbent article, said absorbent article having a body surface and a garment surface and comprising:

a liquid permeable topsheet, said topsheet providing a barrier which inhibits rewet,;

a liquid impermeable backsheet disposed beneath said topsheet and joined thereto at least about a periphery of said absorbent article; and

an absorbent core disposed between said topsheet and said backsheet;

wherein said absorbent article has a panel softness between about 30 and about 60 PSU and said topsheet and said core cooperate to provide said absorbent article with a drop acquisition time of less than about 30 seconds and a wetback of less than 30 milligrams.

4. An absorbent article, said absorbent article having a body surface and a garment surface and comprising:

a liquid permeable topsheet, said topsheet providing a barrier which inhibits rewet, wherein said topsheet has a Surface Density of less than about 0.035 grams per cubic centimeter;

a liquid impermeable backsheet disposed beneath said topsheet and joined thereto at least about a periphery of said absorbent article; and

an absorbent core disposed between said topsheet and said backsheet;

wherein said topsheet and said core cooperate to provide said absorbent article with a drop acquisition time of less than about 30 seconds and a wetback of less than 30 milligrams.

5. An absorbent article, said absorbent article having a body surface and a garment surface and comprising:

a liquid permeable topsheet, said topsheet providing a barrier which inhibits rewet;

a liquid impermeable backsheet disposed beneath said topsheet and joined thereto at least about a periphery of said absorbent article; and

an absorbent core disposed between said topsheet and said backsheet;

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wherein said topsheet has a panel softness between about 30 and about 60 PSU and said topsheet and said core cooperate to provide said absorbent article with a drop acquisition time of less than about 30 seconds and a wetback of less than 30 milligrams.

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8. An absorbent article according to Claim 1 wherein said topsheet comprises a formed thermoplastic film material having a plurality of macroapertures and a multiplicity of microapertures wherein land area between the microapertures and the macroapertures is also provided with a plurality of microscopic, discontinuous, spaced regions that comprise depositions of a material that creates a surface energy gradient between the depositions and the underlying polymeric structure of the formed film.

9. An absorbent article according to Claim 7 wherein said topsheet comprises a nonwoven material having depositions of a material that creates a surface energy gradient between the depositions and the underlying polymeric structure of the nonwoven material.

10. An absorbent article according to Claim 7 wherein said topsheet comprises a laminate of a nonwoven material and a formed apertured thermoplastic film, the nonwoven material having depositions of a material on the surface thereof that is opposite to the surface joined to the thermoplastic film for forming the laminate, wherein the material creates a surface energy gradient between the depositions and the underlying polymeric structure of the nonwoven material.

11. An absorbent article according to Claim 1 wherein said absorbent core comprises a polymeric foam formed from an internal phase emulsion.

12. An absorbent article according to Claims 10 wherein said absorbent core comprises chemically stiffened, twisted, and curled bulking fibers, and thermoplastic binding fibers.

#### REMARKS

##### Rejections Under 35 U.S.C. § 112

Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claims were rejected as merely setting forth physical characteristics desired in an article and not setting forth compositions which could meet such characteristics. The Office Action relies on Ex Parte Slob (PO BdApp) 157 USPQ 172 in support of this position.

The reliance on Ex Parte Slob is incorrect as it does not and cannot stand for broad proposition set forth by the Office Action. The Office Action is attempting to say that any functional claim would be indefinite under 35 U.S.C. § 112 in view of Ex Parte Slob. This is simply incorrect. Ex Parte Slob was dealing with a very specific expression and cannot be interpreted to extend to functional expressions such as the ones claimed in the present application. If one were to apply Ex Parte Slob with the breadth being exposed in the Office Action then many existing patents with functional claims such as those in U.S. Pat. Nos. 5,383,869 and 5,364,382 would also be invalid under 35 U.S.C. § 112. This simply cannot be correct.

What troubled the Board of Appeals in Ex Parte Slob further was the fact that that the pending claims would read upon materials that could not possibly be used to accomplish the intended